



Rep. Anna Moeller

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1 AMENDMENT TO SENATE BILL 220

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 220, AS AMENDED, by  
3 replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The Illinois Human Rights Act is amended by  
6 changing Sections 7B-102, 8-101, and 10-103 as follows:

7 (775 ILCS 5/7B-102) (from Ch. 68, par. 7B-102)

8 Sec. 7B-102. Procedures.

9 (A) Charge.

10 (1) Within one year after the date that a civil rights  
11 violation allegedly has been committed or terminated, a  
12 charge in writing under oath or affirmation may be filed  
13 with the Department by an aggrieved party or issued by the  
14 Department itself under the signature of the Director.

15 (2) The charge shall be in such detail as to  
16 substantially apprise any party properly concerned as to

1 the time, place, and facts surrounding the alleged civil  
2 rights violation.

3 (B) Notice and Response to Charge.

4 (1) The Department shall serve notice upon the  
5 aggrieved party acknowledging such charge and advising the  
6 aggrieved party of the time limits and choice of forums  
7 provided under this Act. The Department shall, within 10  
8 days of the date on which the charge was filed or the  
9 identification of an additional respondent under paragraph  
10 (2) of this subsection, serve on the respondent a copy of  
11 the charge along with a notice identifying the alleged  
12 civil rights violation and advising the respondent of the  
13 procedural rights and obligations of respondents under  
14 this Act and may require the respondent to file a response  
15 to the allegations contained in the charge. Upon the  
16 Department's request, the respondent shall file a response  
17 to the charge within 30 days and shall serve a copy of its  
18 response on the complainant or his or her representative.  
19 Notwithstanding any request from the Department, the  
20 respondent may elect to file a response to the charge  
21 within 30 days of receipt of notice of the charge, provided  
22 the respondent serves a copy of its response on the  
23 complainant or his or her representative. All allegations  
24 contained in the charge not denied by the respondent within  
25 30 days after the Department's request for a response may  
26 be deemed admitted, unless the respondent states that it is

1 without sufficient information to form a belief with  
2 respect to such allegation. The Department may issue a  
3 notice of default directed to any respondent who fails to  
4 file a response to a charge within 30 days of the  
5 Department's request, unless the respondent can  
6 demonstrate good cause as to why such notice should not  
7 issue. The term "good cause" shall be defined by rule  
8 promulgated by the Department. Within 10 days of the date  
9 he or she receives the respondent's response, the  
10 complainant may file his or her reply to said response. If  
11 he or she chooses to file a reply, the complainant shall  
12 serve a copy of said reply on the respondent or his or her  
13 representative. A party may supplement his or her response  
14 or reply at any time that the investigation of the charge  
15 is pending.

16 (2) A person who is not named as a respondent in a  
17 charge, but who is identified as a respondent in the course  
18 of investigation, may be joined as an additional or  
19 substitute respondent upon written notice, under  
20 subsection (B), to such person, from the Department. Such  
21 notice, in addition to meeting the requirements of  
22 subsections (A) and (B), shall explain the basis for the  
23 Department's belief that a person to whom the notice is  
24 addressed is properly joined as a respondent.

25 (C) Investigation.

26 (1) The Department shall conduct a full investigation

1 of the allegations set forth in the charge and complete  
2 such investigation within 100 days after the filing of the  
3 charge, unless it is impracticable to do so. The  
4 Department's failure to complete the investigation within  
5 100 days after the proper filing of the charge does not  
6 deprive the Department of jurisdiction over the charge.

7 (2) If the Department is unable to complete the  
8 investigation within 100 days after the charge is filed,  
9 the Department shall notify the complainant and respondent  
10 in writing of the reasons for not doing so.

11 (3) The Director or his or her designated  
12 representative shall have authority to request any member  
13 of the Commission to issue subpoenas to compel the  
14 attendance of a witness or the production for examination  
15 of any books, records or documents whatsoever.

16 (4) If any witness whose testimony is required for any  
17 investigation resides outside the State, or through  
18 illness or any other good cause as determined by the  
19 Director is unable to be interviewed by the investigator or  
20 appear at a fact finding conference, his or her testimony  
21 or deposition may be taken, within or without the State, in  
22 the same manner as provided for in the taking of  
23 depositions in civil cases in circuit courts.

24 (5) Upon reasonable notice to the complainant and the  
25 respondent, the Department ~~may shall~~ conduct a fact finding  
26 conference, ~~unless prior to 100 days from the date on which~~

1 ~~the charge was filed, the Director has determined whether~~  
2 ~~there is substantial evidence that the alleged civil rights~~  
3 ~~violation has been committed or the parties voluntarily and~~  
4 ~~in writing agree to waive the fact finding conference. When~~  
5 ~~requested by the Department, a party's failure to attend~~  
6 the conference without good cause may result in dismissal  
7 or default. A notice of dismissal or default shall be  
8 issued by the Director and shall notify the relevant party  
9 that a request for review may be filed in writing with the  
10 Commission within 30 days of receipt of notice of dismissal  
11 or default.

12 (D) Report.

13 (1) Each charge investigated under subsection (C)  
14 shall be the subject of a report to the Director. The  
15 report shall be a confidential document subject to review  
16 by the Director, authorized Department employees, the  
17 parties, and, where indicated by this Act, members of the  
18 Commission or their designated hearing officers.

19 The report shall contain:

20 (a) the names and dates of contacts with witnesses;

21 (b) a summary and the date of correspondence and  
22 other contacts with the aggrieved party and the  
23 respondent;

24 (c) a summary description of other pertinent  
25 records;

26 (d) a summary of witness statements; and

1 (e) answers to questionnaires.

2 A final report under this paragraph may be amended if  
3 additional evidence is later discovered.

4 (2) Upon review of the report and within 100 days of  
5 the filing of the charge, unless it is impracticable to do  
6 so, the Director shall determine whether there is  
7 substantial evidence that the alleged civil rights  
8 violation has been committed or is about to be committed.  
9 If the Director is unable to make the determination within  
10 100 days after the filing of the charge, the Director shall  
11 notify the complainant and respondent in writing of the  
12 reasons for not doing so. The Director's failure to make  
13 the determination within 100 days after the proper filing  
14 of the charge does not deprive the Department of  
15 jurisdiction over the charge.

16 (a) If the Director determines that there is no  
17 substantial evidence, the charge shall be dismissed  
18 and the aggrieved party notified that he or she may  
19 seek review of the dismissal order before the  
20 Commission. The aggrieved party shall have 90 days from  
21 receipt of notice to file a request for review by the  
22 Commission. The Director shall make public disclosure  
23 of each such dismissal.

24 (b) If the Director determines that there is  
25 substantial evidence, he or she shall immediately  
26 issue a complaint on behalf of the aggrieved party

1           pursuant to subsection (F).

2           (E) Conciliation.

3           (1) During the period beginning with the filing of  
4 charge and ending with the filing of a complaint or a  
5 dismissal by the Department, the Department shall, to the  
6 extent feasible, engage in conciliation with respect to  
7 such charge.

8           When the Department determines that a formal  
9 conciliation conference is feasible, the aggrieved party  
10 and respondent shall be notified of the time and place of  
11 the conference by registered or certified mail at least 7  
12 days prior thereto and either or both parties shall appear  
13 at the conference in person or by attorney.

14           (2) The place fixed for the conference shall be within  
15 35 miles of the place where the civil rights violation is  
16 alleged to have been committed.

17           (3) Nothing occurring at the conference shall be made  
18 public or used as evidence in a subsequent proceeding for  
19 the purpose of proving a violation under this Act unless  
20 the complainant and respondent agree in writing that such  
21 disclosure be made.

22           (4) A conciliation agreement arising out of such  
23 conciliation shall be an agreement between the respondent  
24 and the complainant, and shall be subject to approval by  
25 the Department and Commission.

26           (5) A conciliation agreement may provide for binding

1 arbitration of the dispute arising from the charge. Any  
2 such arbitration that results from a conciliation  
3 agreement may award appropriate relief, including monetary  
4 relief.

5 (6) Each conciliation agreement shall be made public  
6 unless the complainant and respondent otherwise agree and  
7 the Department determines that disclosure is not required  
8 to further the purpose of this Act.

9 (F) Complaint.

10 (1) When there is a failure to settle or adjust any  
11 charge through a conciliation conference and the charge is  
12 not dismissed, the Department shall prepare a written  
13 complaint, under oath or affirmation, stating the nature of  
14 the civil rights violation and the relief sought on behalf  
15 of the aggrieved party. Such complaint shall be based on  
16 the final investigation report and need not be limited to  
17 the facts or grounds alleged in the charge filed under  
18 subsection (A).

19 (2) The complaint shall be filed with the Commission.

20 (3) The Department may not issue a complaint under this  
21 Section regarding an alleged civil rights violation after  
22 the beginning of the trial of a civil action commenced by  
23 the aggrieved party under any State or federal law, seeking  
24 relief with respect to that alleged civil rights violation.

25 (G) Time Limit.

26 (1) When a charge of a civil rights violation has been



1 properly filed, the Department, within 100 days thereof,  
2 unless it is impracticable to do so, shall either issue and  
3 file a complaint in the manner and form set forth in this  
4 Section or shall order that no complaint be issued. Any  
5 such order shall be duly served upon both the aggrieved  
6 party and the respondent. The Department's failure to  
7 either issue and file a complaint or order that no  
8 complaint be issued within 100 days after the proper filing  
9 of the charge does not deprive the Department of  
10 jurisdiction over the charge.

11 (2) The Director shall make available to the aggrieved  
12 party and the respondent, at any time, upon request  
13 following completion of the Department's investigation,  
14 information derived from an investigation and any final  
15 investigative report relating to that investigation.

16 (H) This amendatory Act of 1995 applies to causes of action  
17 filed on or after January 1, 1996.

18 (I) The changes made to this Section by Public Act 95-243  
19 apply to charges filed on or after the effective date of those  
20 changes.

21 (J) The changes made to this Section by this amendatory Act  
22 of the 96th General Assembly apply to charges filed on or after  
23 the effective date of those changes.

24 (Source: P.A. 100-492, eff. 9-8-17; 100-1066, eff. 8-24-18.)

25 (775 ILCS 5/8-101) (from Ch. 68, par. 8-101)

1           Sec. 8-101. Illinois Human Rights Commission.

2           (A) Creation; appointments. The Human Rights Commission is  
3 created to consist of 7 members appointed by the Governor with  
4 the advice and consent of the Senate. No more than 4 members  
5 shall be of the same political party. The Governor shall  
6 designate one member as chairperson. All appointments shall be  
7 in writing and filed with the Secretary of State as a public  
8 record.

9           (B) Terms. Of the members first appointed, 4 shall be  
10 appointed for a term to expire on the third Monday of January,  
11 2021, and 3 (including the Chairperson) shall be appointed for  
12 a term to expire on the third Monday of January, 2023.

13           Notwithstanding any provision of this Section to the  
14 contrary, the term of office of each member of the Illinois  
15 Human Rights Commission is abolished on January 19, 2019.  
16 Incumbent members holding a position on the Commission that was  
17 created by Public Act 84-115 and whose terms, if not for this  
18 amendatory Act of the 100th General Assembly, would have  
19 expired January 18, 2021 shall continue to exercise all of the  
20 powers and be subject to all of the duties of members of the  
21 Commission until June 30, 2019 or until their respective  
22 successors are appointed and qualified, whichever is earlier.

23           Thereafter, each member shall serve for a term of 4 years  
24 and until his or her successor is appointed and qualified;  
25 except that any member chosen to fill a vacancy occurring  
26 otherwise than by expiration of a term shall be appointed only

1 for the unexpired term of the member whom he or she shall  
2 succeed and until his or her successor is appointed and  
3 qualified.

4 (C) Vacancies.

5 (1) In the case of vacancies on the Commission during a  
6 recess of the Senate, the Governor shall make a temporary  
7 appointment until the next meeting of the Senate when he or  
8 she shall appoint a person to fill the vacancy. Any person  
9 so nominated and confirmed by the Senate shall hold office  
10 for the remainder of the term and until his or her  
11 successor is appointed and qualified.

12 (2) If the Senate is not in session at the time this  
13 Act takes effect, the Governor shall make temporary  
14 appointments to the Commission as in the case of vacancies.

15 (3) Vacancies in the Commission shall not impair the  
16 right of the remaining members to exercise all the powers  
17 of the Commission. Except when authorized by this Act to  
18 proceed through a 3 member panel, a majority of the members  
19 of the Commission then in office shall constitute a quorum.

20 (D) Compensation. On and after January 19, 2019, the  
21 Chairperson of the Commission shall be compensated at the rate  
22 of \$125,000 per year, or as set by the Compensation Review  
23 Board, whichever is greater, during his or her service as  
24 Chairperson, and each other member shall be compensated at the  
25 rate of \$119,000 per year, or as set by the Compensation Review  
26 Board, whichever is greater. In addition, all members of the

1 Commission shall be reimbursed for expenses actually and  
2 necessarily incurred by them in the performance of their  
3 duties.

4 (E) Notwithstanding the general supervisory authority of  
5 the Chairperson, each commissioner, unless appointed to the  
6 special temporary panel created under subsection (H), has the  
7 authority to hire and supervise a staff attorney. The staff  
8 attorney shall report directly to the individual commissioner.

9 (F) A formal training program for newly appointed  
10 commissioners shall be implemented. The training program shall  
11 include the following:

12 (1) substantive and procedural aspects of the office of  
13 commissioner;

14 (2) current issues in employment and housing  
15 discrimination and public accommodation law and practice;

16 (3) orientation to each operational unit of the Human  
17 Rights Commission;

18 (4) observation of experienced hearing officers and  
19 commissioners conducting hearings of cases, combined with  
20 the opportunity to discuss evidence presented and rulings  
21 made;

22 (5) the use of hypothetical cases requiring the newly  
23 appointed commissioner to issue judgments as a means of  
24 evaluating knowledge and writing ability;

25 (6) writing skills; and

26 (7) professional and ethical standards.

1           A formal and ongoing professional development program  
2 including, but not limited to, the above-noted areas shall be  
3 implemented to keep commissioners informed of recent  
4 developments and issues and to assist them in maintaining and  
5 enhancing their professional competence. Each commissioner  
6 shall complete 20 hours of training in the above-noted areas  
7 during every 2 years the commissioner remains in office.

8           (G) Commissioners must meet one of the following  
9 qualifications:

10           (1) licensed to practice law in the State of Illinois;

11           (2) at least 3 years of experience as a hearing officer  
12 at the Human Rights Commission; or

13           (3) at least 4 years of professional experience working  
14 for or dealing with individuals or corporations affected by  
15 this Act or similar laws in other jurisdictions, including,  
16 but not limited to, experience with a civil rights advocacy  
17 group, a fair housing group, a trade association, a union,  
18 a law firm, a legal aid organization, an employer's human  
19 resources department, an employment discrimination  
20 consulting firm, or a municipal human relations agency.

21           The Governor's appointment message, filed with the  
22 Secretary of State and transmitted to the Senate, shall state  
23 specifically how the experience of a nominee for commissioner  
24 meets the requirement set forth in this subsection. The  
25 Chairperson must have public or private sector management and  
26 budget experience, as determined by the Governor.

1           Each commissioner shall devote full time to his or her  
2 duties and any commissioner who is an attorney shall not engage  
3 in the practice of law, nor shall any commissioner hold any  
4 other office or position of profit under the United States or  
5 this State or any municipal corporation or political  
6 subdivision of this State, nor engage in any other business,  
7 employment, or vocation.

8           (H) Notwithstanding any other provision of this Act, the  
9 Governor shall appoint, by and with the consent of the Senate,  
10 a special temporary panel of commissioners comprised of 3  
11 members. The members shall hold office until the Commission, in  
12 consultation with the Governor, determines that the caseload of  
13 requests for review has been reduced sufficiently to allow  
14 cases to proceed in a timely manner, or for a term of 18 months  
15 from the date of appointment by the Governor, whichever is  
16 earlier. Each of the 3 members shall have only such rights and  
17 powers of a commissioner necessary to dispose of the cases  
18 assigned to the special panel. Each of the 3 members appointed  
19 to the special panel shall receive the same salary as other  
20 commissioners for the duration of the panel. The panel shall  
21 have the authority to hire and supervise a staff attorney who  
22 shall report to the panel of commissioners.

23           (Source: P.A. 99-642, eff. 7-28-16; 100-1066, eff. 8-24-18.)

24           (775 ILCS 5/10-103) (from Ch. 68, par. 10-103)

25           Sec. 10-103. Circuit Court Actions Pursuant To Election.

1 (A) If an election is made under Section 8B-102, the Department  
2 shall authorize and not later than 30 days after the entry of  
3 the administrative closure order by the Commission ~~election is~~  
4 ~~made~~ the Attorney General shall commence and maintain a civil  
5 action on behalf of the aggrieved party in a circuit court of  
6 Illinois seeking relief under this Section. Venue for such  
7 civil action shall be determined under Section 8-111(B) (6).

8 (B) Any aggrieved party with respect to the issues to be  
9 determined in a civil action under this Section may intervene  
10 as of right in that civil action.

11 (C) In a civil action under this Section, if the court  
12 finds that a civil rights violation has occurred or is about to  
13 occur the court may grant as relief any relief which a court  
14 could grant with respect to such civil rights violation in a  
15 civil action under Section 10-102. Any relief so granted that  
16 would accrue to an aggrieved party in a civil action commenced  
17 by that aggrieved party under Section 10-102 shall also accrue  
18 to that aggrieved party in a civil action under this Section.  
19 If monetary relief is sought for the benefit of an aggrieved  
20 party who does not intervene in the civil action, the court  
21 shall not award such relief if that aggrieved party has not  
22 complied with discovery orders entered by the court.

23 (Source: P.A. 86-910.)".